

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption) DOCKET NO. 960590-WS
from Florida Public Service) ORDER NO. PSC-96-1363-FOF-WS
Commission Regulation for) ISSUED: November 18, 1996
Provision of Water and)
Wastewater Service in Orange)
County by Chateau Properties,)
Inc. (Chateau Hidden Valley)
Mobile Home Park).)
_____)

ORDER INDICATING EXEMPT STATUS OF CHATEAU PROPERTIES, INC.
(CHATEAU HIDDEN VALLEY MOBILE HOME PARK) AND CLOSING DOCKET

BY THE COMMISSION:

On May 10, 1996, Chateau Hidden Valley Mobile Home Park filed an application with this Commission for recognition of its exempt status pursuant to Section 367.022(5), Florida Statutes. Chateau Hidden Valley Mobile Home Park is located at 8950 Polynesian Lane, Orlando, Florida. The mobile home park is owned by Chateau Properties, Inc. Mr. Robert Munro, Utilities Director of Chateau Properties, Inc., and primary contact person, filed the application on behalf of Chateau Hidden Valley Mobile Home Park.

After reviewing the application, it was determined that the name, Chateau Hidden Valley Mobile Home Park, is not registered with the Secretary of State's office as a fictitious name. Although the owner is currently in the process of registering the name with the Secretary of State, it has requested that the exemption be granted to Chateau Properties, Inc. (Chateau Properties/Hidden Valley for the apartment complex known as Chateau Hidden Valley Mobile Home Park.

Upon request and sufficient proof, the Commission will issue an order indicating the nonjurisdictional or exempt status of water and wastewater facilities, if they qualify under the appropriate provision of Chapter 367, Florida Statutes. The application was filed in accordance with Section 367.022(5), Florida Statutes, and Rule 25-30.060(3)(e), Florida Administrative Code.

Section 367.022(5), Florida Statutes, states that an entity qualifies for exemption from Commission regulation if it provides service solely to its tenants, and there are no specific charges for the utility service. The application indicates that Chateau Properties/Hidden Valley provides water and wastewater service only to tenants of the mobile home park located at 8950 Polynesian Lane, Orlando, Florida. Also, the water and wastewater service is included as a nonspecific portion of the monthly rent.

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In addition, pursuant to Section 837.06, Florida Statutes, and Rule 25-30.060(2)(f), Florida Administrative Code, anyone knowingly making a false statement in writing with the intent to mislead is guilty of a misdemeanor. By signing the application, Mr. Munro acknowledged that he is aware of Section 837.06, Florida Statutes, and the penalties for making false statements in the application.

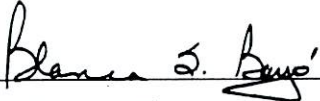
Based on the facts as represented, we find that Chateau Properties/Hidden Valley is exempt from our regulation pursuant to Section 367.022(5), Florida Statutes. However, the owner of Chateau Properties/Hidden Valley or any successors in interest are put on notice that if there is any change in circumstance or method of operation which causes it to no longer qualify for exemption pursuant to Section 367.022, Florida Statutes, it should inform the Commission within 30 days of such change so that its status may be reevaluated.

It is, therefore,

ORDERED by the Florida Public Service Commission that, based upon the facts as represented, Chateau Properties, Inc., 14205 East Colonial Drive, Orlando, Florida 32826, is exempt from Commission regulation, pursuant to the provisions of Section 367.022(5), Florida Statutes, only for the mobile home park known as Chateau Hidden Valley Mobile Home Park located at 8950 Polynesian Lane, Orlando, Florida. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 18th day of November, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.